5739428/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR - **Sri Koppisetti Tatabbai S/o Late Sambayya** R/o.Indukurupeta (V), Devipatnam (M), East Godavari District - Revision Petition filed under the provisions of A.P.S.A.LT.R.1959 as amended by 1/70 - Land measuring Hec.0.32 Acs. in Sy.No.33/3 of Indukurupeta (V), Devipatnam (M), East Godavari District – Dismissed - Orders - issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No.10 **Dated: 25.02.2022**
Read the following:-

1. ADO LTR.No.161/2007, orders issued by the Special Deputy Collector, Rampachodavaram, East Godavari District, dated. 28.10.2013 on the petition filed by Special Deputy Tahasildar, Devipatnam (M), East Godavari District.

2. C.M.A.No.43/2014, orders issued by the P.O., ITDA/Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated. 07.03.2018 on the appeal filed by Sri Koppisetti Tatabbai, S/o Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District.

3. Revision Petition filed by Sri Koppisetti Tatabbai S/o Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District, dt.20.07.2018.

4. Govt.Memo.No. 15026/13/LTR-2/2018, dated. 13.08.2018.

5. From the P.O., ITDA, Rampachodavaram, East Godavari District, dated: 13.09.2018.

6. Govt.Lr.No. 15026/13/LTR-2/2018, dated. 11.09.2018, 31.01.2019 and 09.07.2021.

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O R D E R:

1. In the reference 1st read above, the Special Deputy Tahasildar (TW), Devipatnam has filed a complaint before the Agency Divisional Officer, Rampachodavaram, East Godavari District, under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of Government after ejecting the respondents in East Godavari District.

(P.T.O.)

2. Based on the said petition, the Special Deputy Collector, Rampachodavaram, East Godavari District has issued dismissal orders vide ADO LTR.No.161/2007, dated: 28.10.2013 in favour of the complaint filed by the Special Deputy Tahasildar, Devipatnam (M), East Godavari District under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land Hec.0.32 Acres in Sy.No.33/3 situated at Indukurupeta (V), Devipatnam (M) East Godavari District from the non-tribal Respondent i.e. Sri Koppisetti Tatabbai S/o Late Sambayya.

3. Aggrieved by the above orders Sri Koppisetti Tatabbai S/o Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District has filed an appeal petition before the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No. 43/2014, dated. 7.03.2018 has disallowed the appeal by upholding the orders of the Special Deputy Collector, Rampachodavaram, East Godavari District issued in ADO LTRP.No. 161/2007, dated:28.10.2013 and conformed the right of the Government over the land measuring Hec.0.32 Acres in Sy.No.33/3 situated at Indukurupeta (V), Devipatnam (M), East Godavari District.

5. In the reference 3rd read above, Sri Koppisetti Tatabbai S/o Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District has filed Revision Petition before the Government under the provisions of A.P.S.A.L.T.R., 1959 against the orders passed by the Project Officer, ITDA/Additional Agent to Government, Rampachodavaram, East Godavari District in C.M.A.43/2014, dated. 7.03.2018 in the 2nd read above. The land is located in Indukurupeta (V), Devipatnam (M), East Godavari District to the land adm. Hec.0.32 Acres in Sy.No.33/3 of Indukurupeta (V), Devipatnam (M), East Godavari District.

6. The Revision Petition filed by Sri Koppisetti Tatabbai S/o Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District, Government while admitting the same have called for parawise remarks along with connected case records from the P.O., ITDA, Rampachodavaram, East Godavari District in the reference 4th read above.

7. The Addl. Agent to Govt. (P.O., I.T.D.A.), Rampachodavaram, East Godavari District has furnished the parawise remarks along with connected case records on 18.05.2010 in the reference 5th read above.

8. In the reference 6th read above, both the parties and their councils were called for the hearings. Accordingly, hearings were conducted on 06.10.2018, 09.02.2019 and 24.07.2021. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing of the case that the revision petitioner advanced arguments and on verification of the documents and the grounds of revision and Para wise remarks as well as the other documents and material available on the record it is noticed that lower primary authority and lower appellant authority observed that the revision petitioner failed to produce any document in support of his claim of possession of the land as per the regulations.
- It is observed that as seen from the record that the revision petitioner failed to produce any document in support of the claim of the revision petitioner and failed to discharge the burden as per regulations and further it is observed that the sale transaction was taken place after commencement of regulation between non-tribes.
- That taking consideration of the above and the material available on the record that it can be concluded that the lower primary authority and lower appellant authority passed the order as per law which does not deserve any interference and accordingly the same is hereby upheld and the revision petition is hereby dismissed.

9. After careful examination of the Revision Petition, Government in exercise of the powers u/s 3(2) (a) of APSALTR 1/59 as amended by 1/70 do hereby order for ejection of respondents from petition scheduled land and for restoration of the same to the Government for on ward assignment to the eligible tribes.

10. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

11. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
(1) The Collector & District Magistrate, East Godavari District, Kakinada, PIN 533001. (w.e)
(2) The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District. PIN-533288

(3) The Special Deputy Collector, Rampachodavaram, East Godavari District. PIN-533288.
(4) The Tahsildar, Devipatnam (M), East Godavari District. PIN-533436
(5) Sri Kola Satyaprasad, Advocate, Rampachodavaram, East Godavari District - 533288
(6) Sri Koppisetti Tatabbai, S/o.Late Sambayya R/o.Indukurupeta (V), Devipatnam (M), East Godavari District.PIN-533286.

Copy to:

(7) The P.S. to Hon'ble Dy. Chief Minister (TW)
(8) The P.S. to Secretary (TW)
(9) The Director Printing, Stationary (for publication in the AP Gazette)
(10) SF/SC.

// FORWARDED : : BY ORDER //

SECTION OFFICER